

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0475

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JAMES JOSEPH MAIN JR.,

Defendant and Appellant.

FILED

AUG 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until September 24, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 17th day of August, 2010.

STEVE BULLOCK
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: *John Paulson*
JOHN PAULSON
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, John Paulson, being first duly sworn upon my oath, depose and state as follows:

1. I am the Assistant Attorney General assigned to prepare the State's response brief in this case.

2. The State's brief is now due to be filed by August 25, 2010. The brief was first due to be filed on July 26, 2010. This is the State's second request for an extension.

3. The reasons for the request are as follows: the record in this case is extensive (6 district court files and over 1,800 pages of transcript), the issues are complex, and I have not had sufficient time to complete my review of the record and research the legal issues; during the past 30 days I have prepared and presented an oral argument before the Ninth Circuit Court of Appeals in Gollehon v. State and have drafted the State's briefs in State v. Heitkemper and Matter of J.M., two cases pending before this Court.

4. In addition, I have taken several days of personal leave and have attended the Montana County Attorneys summer training conference in July.

5. I have exercised diligence and have substantial need for the extension. I anticipate that the State's brief will be filed within the time requested.

6. Opposing counsel has been contacted concerning this motion and does not object.


7. Further your affiant sayeth naught.

DATED this 17th day of August, 2010.



JOHN PAULSON

SUBSCRIBED AND SWORN to before me this 17th day of August, 2010.



JANET E. MYERS
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires September 12, 2012.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed, first class
postage prepaid, to:

Ms. Robin A. Meguire
Attorney at Law
P.O. Box 1845
Great Falls, MT 59403-1845

Ms. Gina Dahl
Hill County Attorney
315 4th Street
Havre, MT 59501

DATED: _____

egot 17, 2010 J. H. H. H.